

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, District of Columbia 20554

*RE: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as  
Amended by the Cable Television Consumer Protection and Competition Act of 1992, Third  
Report and Order - MB Docket No. 05-311*

Dear Ms. Dortch,

My name is Nicki McGachey, and as the Executive Director of Bolton Access TV I am writing to formally express my concerns about the Federal Communications Commission's ("FCC") proposed Third Report and Order ("Order") requiring Local Franchising Authorities ("LFA") to treat cable-related, in-kind contributions as franchise fees subject to the statutory five percent franchise fee cap.

A very large and diverse community of people from different sectors filed their comments and concerns with the FCC during the initial comment period on this matter (myself included). I submit my comments during this period for the record.

I am first disturbed by the fact that the Order would apply to existing franchise agreements. This undermines long-term contracts freely and consensual negotiated between two parties. The loss of revenue caused by the Order will force municipalities to either divert resources away from core municipal and school services to maintain existing PEG programming, suffer a dramatic reduction in the scope of PEG channels, or lose them altogether. Our small, rural town's budget is already stretched to the breaking point simply maintaining schools, police, fire, and our very small municipal staff, so I greatly fear that we will fall into the category of being lost all together.

None of these FCC-driven options are in the public interest. On the other hand, private sector cable operators in Massachusetts are set up for an FCC-granted windfall. Because cable operators pass through the costs they incur by paying franchise fees, they recoup the costs from cable subscribers. This Order would also allow them to subtract the "fair market value" from the franchise fee, but does not require any change in what is charged to subscribers, essentially allowing cable operators to double recover.

The FCC states on their website that one of their goals is "*Revising media regulations so that new technologies flourish alongside diversity and localism.*" I don't understand how any piece of this proposed order would support what small amount of diversity and localism that still exists in the media. My staff and myself fervently oppose this Third Report and Order and ask you to reconsider.

Sincerely,

Nicki McGachey  
Executive Director  
Bolton Access TV  
697 Main St.  
Bolton, MA 01740